

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, } **8:08CR413**
 Plaintiff, }
 vs. }
BRIAN McGUIRE, }
 Defendant. }

This matter is before the court on the motion for an extension of time by defendant Brian McGuire (McGuire) (Filing No. 19). McGuire seeks additional time in which to file pretrial motions in accordance with the progression order (Filing No. 13). Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant McGuire's motion for an extension of time (Filing No. 19) is granted. McGuire is given until **on or before February 5, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 30, 2008 and February 5, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 30th day of December, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge